

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MATTHEW M. PHILPOT,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 14-383-RGA
	)	
G.R. JOHNSON, Warden,	)	
and ATTORNEY GENERAL OF	)	
THE STATE OF DELAWARE,	)	
	)	
Respondents.	)	

**ORDER**

WHEREAS, you have filed a form petition requesting federal habeas corpus relief pursuant to 28 U.S.C. § 2254; and

WHEREAS, the court advises you that the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244, applies to the pending petition. AEDPA imposes a one-year period of limitation on the filing of habeas petitions and effectively precludes petitioners from filing a second or subsequent habeas petition except in the most unusual of circumstances. See 28 U.S.C. § 2244(b); 28 U.S.C. § 2244(d)(1); *United States v. Miller*, 197 F.3d 644 (3d Cir. 1999); *Mason v. Meyers*, 208 F.3d 414 (3d Cir. 2000). Consequently, a petitioner challenging the legality of his detention pursuant to the judgment of a state court must include in one § 2254 application all the arguments he has to collaterally attack the state court judgment.

NOW, THEREFORE, IT IS ORDERED this 30<sup>th</sup> day of May, 2014  
that you must file the attached election form with the court on or before

June 27, 2014. Failure to timely return the completed election form will result in the court's ruling on your pending petition as filed.

  
United States District Judge

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**AEDPA ELECTION FORM**

1. \_\_\_\_\_ I wish the court to rule on my § 2254 application as currently pending. I realize that the law does not allow me to file successive or later applications unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this application will be my one opportunity to seek federal habeas corpus relief.
  
2. \_\_\_\_\_ I wish to amend my § 2254 application to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later applications unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive application will be my one opportunity to seek federal habeas corpus relief.
  
3. \_\_\_\_\_ I wish to withdraw my § 2254 application

without prejudice to file one all-inclusive application in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive petition must be filed within the one-year period as defined by 28 U.S.C. § 2244(d). See *Swartz v. Meyers*, 204 F.3d 417 (3d Cir. 2000).

4. \_\_\_\_\_ I am not seeking federal habeas corpus relief under § 2254. I am instead seeking relief under \_\_\_\_\_.

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Petitioner